UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,103	01/17/2002	Akira Date	500.37453CX3	6766

20457 7590 03/17/2009
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER	
JONES, HEATHER RAE	

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/17/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/047,103	DATE ET AL.	
	Examiner	Art Unit	
	HEATHER R. JONES	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 5-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 5-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☒ Certified copies of the priority documents have been received in Application No. 09/369,401.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed December 15, 2008 have been fully considered but they are not persuasive.

The Applicant argues on page 6, lines 13 – page 7, line 8 that Matsumoto fails to disclose any type of recording time attributed to individual pictures. The Examiner respectfully disagrees. Matsumoto discloses in Fig. 11 picture data in detail, which includes the date and time of when the photo was taken. Furthermore, this information can be used in order to group the photos according to time as can be seen in Fig. 19 and in col. 3, lines 18-36 and col. 11, line 59 – col. 12, line 10. Fig. 12 also shows that the attribute data can be shown in a list form from which the earliest and latest picture can be easily determined since they are in chronological order. Therefore as can be seen from above Matsumoto does disclose recording times attributed to individual pictures as well as including the earliest and latest recording times, thereby meeting the claimed limitations and the rejection is maintained.

The Applicant argues on page 7, line 9 – page 9, line 23 that Miike et al. fails to disclose the first and last recording time at which the still picture is taken and recorded in the recording medium and that Miike et al. instead only teaches that the input start time and the input end time are of the "document". The Examiner respectfully disagrees. Miike et al. discloses in col. 46, lines 46-50 that the easiest way to retrieve an image is to correspond that image to a certain time

wherein that certain time can be its production time. Miike et al. also discloses in col. 75, lines 6-10 that when multi-media is originally entered into the system and it contains time information it is possible to use that time information directly for the document. Furthermore, Miike et al. discloses in Fig. 95 an input start and an input stop for the document as well as displaying two different images representing the input start and the input end, which shows that there is more than one image in the document (group of pictures). According to Fig. 95 Miike et al.'s document can consist of more than one still image, but Miike et al. just prefers to call it a document rather than a group of still pictures. Miike et al. also discloses in a different embodiment production start and end times are stored for each document, which can mean a group of pictures (col. 47, lines 33-37). Therefore, Miike et al. meets the claimed limitations and the rejection is maintained.

The Applicant argues page 10, line 1 – page 12, line 14 that neither Matsumoto et al. or Miike et al. disclose a computer to record still picture data of N still pictures stored in N seperate files. The Examiner respectfully disagrees. Matsumoto et al. discloses in Fig. 11 what a file for each still picture looks like and what is included in each file. As can be seen this file contains only one still picture meaning that each still picture is stored in its own respective file. Therefore, Matsumoto et al. meets the claimed limitations and the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (U.S. Patent 5,796,428) in view of Miike et al. (U.S. Patent 5,787,414).

Regarding claim **1**, Matsumoto et al. discloses a method for recording still picture data of N still pictures stored in separate N files, respectively, and for recording still picture group management information for managing N still picture data of the N still pictures as a still picture group, onto a storage medium, where N is an integer number equal to or larger than one, wherein the still picture group management information is provided separately from any still picture management information containing management information for each still picture, and the still picture group management information includes a first recording time at which the still picture data of an earliest-photographed still picture in the still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in the still picture group was recorded last by the picture-taking device (Fig. 11 – detailed structure of a picture data - col. 10, lines 39-50; Fig. 19 - flowchart for generating a an album list where the generation condition can be

set, for example, according to time - col. 3, lines 18-36 and col. 11, line 59 – col. 12, line 10; - the album list shows the earliest and last recording times; it can be seen from Fig. 11 and Fig. 15 the difference in the management information for a group and a separate image), the method comprising: comparing a recording time of the still picture data of a still picture, with the first recording time stored in the still picture group management information corresponding to the still picture group belonging to the still picture data; and if the recording time is earlier than the first recording time, replacing the content of the first recording time by the recording time and performing recording thereof (col. 11, line 59 – col. 12, line 45 – the album list is updated accordingly when the list is set according to the date and time an image is taken and when the album is edited the list is updated. Therefore, the earliest and last recording times will be the first and last recording times on the list which are updated accordingly). However, Matsumoto et al. discloses a still picture group management information that includes a list of the still images in the group as well as updating the times in the list accordingly when the album is edited (Fig. 19), but fails to disclose the still picture group management information only storing the earliest and last recording times and updating either one of those if it needs updated.

Referring to the Miike et al. reference, Miike et al. discloses a method of recording still picture data and still picture group management information for managing N still pictures data as a still picture group onto a storage medium, where said N is an integer number equal to or greater than one, comprising the

steps of: recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information (Figs. 2, 95, and 110-113; col. 12, lines 49-57; col. 13, lines 17-20; col. 47, lines 33-37; col. 49, line 59 - col. 50, line 39). Miike et al. discloses in Fig. 95 an input start and an input stop for the document as well as displaying two different images representing the input start and the input end, which shows that there is more than one image in the document (group of pictures). Furthermore, according to Fig. 95 Miike et al.'s document can consist of more than one still image, but Miike et al. just prefers to call it a document rather than a group of still pictures. Miike et al. also discloses in a different embodiment production start and end times are stored for each document (col. 47, lines 33-37). Therefore, Miike et al. discloses recording start times and end times for a group of still pictures, but just calls it a document.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have only stored the earliest recording time along with the last recording time in the still picture group management information as disclosed by Miike et al. in the method disclosed by Matsumoto et al. in order to provide a system that allows for a faster search time when trying to find an image by only looking at two dates as opposed to all the dates in the album. By Miike et al. only storing the earliest and last recording times in the still picture group management information they would be updated when Matsumoto

et al. updates the album list when the album is edited because Miike et al. would only display the first date on that list as well as the last date.

Regarding claim **2**, Matsumoto et al. in view of Miike et al. discloses all the limitations as previously discussed with respect to claim 1 as well as further disclosing comparing a recording time of the still picture data of the still picture, with the last recording times stored in the still picture group management information corresponding to the still picture group belonging to the still picture data; and if the recording time is later than the last recording time, the content of the last recording times is replaced by the recording time and performing recording thereof (Matsumoto et al.: col. 11, line 59 – col. 12, line 45 – the album list is updated accordingly when the list is set according to the date and time an image is taken and when the album is edited the list is updated. Therefore, the earliest and last recording times will be the first and last recording times on the list which are updated accordingly).

Regarding claims **5** and **6**, these are computer-readable storage medium claims corresponding to the method claims 1 and 2. Therefore, claims 5 and 6 are analyzed and rejected as previously discussed with respect to claims 1 and 2. Furthermore, Matsumoto discloses that the computer (Fig. 1).

Regarding claim **7**, Matsumoto et al. discloses a method of recording still picture data of N still pictures stored in separate N files, respectively, and for recording still picture group management information for managing N still pictures data of the N still pictures as a still picture group onto a storage medium, where

said N is an integer number equal to or greater than one, wherein the still picture group management information is provided separately from any still picture management information containing management information for each still picture, and the method comprising: recording, as part of the still picture group management information, a first recording time at which the still picture data of an earliest-photographed still picture, in the still picture group was recorded first by picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in the still picture group was recorded last by the picture-taking device (Fig. 11 – detailed structure of a picture data - col. 10, lines 39-50; Fig. 19 - flowchart for generating a an album list where the generation condition can be set, for example, according to time - col. 3, lines 18-36 and col. 11, line 59 – col. 12, line 10; - the album list shows the earliest and last recording times; it can be seen from Fig. 11 and Fig. 15 the difference in the management information for a group and a separate image). However, Matsumoto et al. discloses a still picture group management information that includes a list of the still images in the group as well as updating the times in the list accordingly when the album is edited (Fig. 19), but fails to disclose the still picture group management information only storing the earliest and last recording times.

Referring to the Miike et al. reference, Miike et al. discloses a method of recording still picture data and still picture group management information for managing N still pictures data as a still picture group onto a storage medium,

where said N is an integer number equal to or greater than one, comprising the steps of: recording a first recording time at which the still picture data in the still picture group was recorded first and a last recording time at which the still picture data in the still picture group was recorded last in the still picture group management information (Figs. 2, 95, and 110-113; col. 12, lines 49-57; col. 13, lines 17-20; col. 47, lines 33-37; col. 49, line 59 - col. 50, line 39). Miike et al. discloses in Fig. 95 an input start and an input stop for the document as well as displaying two different images representing the input start and the input end, which shows that there is more than one image in the document (group of pictures). Furthermore, according to Fig. 95 Miike et al.'s document can consist of more than one still image, but Miike et al. just prefers to call it a document rather than a group of still pictures. Miike et al. also discloses in a different embodiment production start and end times are stored for each document (col. 47, lines 33-37). Therefore, Miike et al. discloses recording start times and end times for a group of still pictures, but just calls it a document.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have only stored the earliest recording time along with the last recording time in the still picture group management information as disclosed by Miike et al. in the method disclosed by Matsumoto et al. in order to provide a system that allows for a faster search time when trying to find an image by only looking at two dates as opposed to all the dates in the album.

Regarding claim **8**, Matsumoto et al. in view of Miike et al. discloses all the limitations as previously discussed with respect to claim 1including that the storage medium is an optical disk, and where said method comprising recording said still picture data of said N still pictures and said recording still picture group management information in the optical disk using an optical recording device (Matsumoto et al.: col. 7, lines 38-40 and col. 8, lines 6-11).

Regarding claim **9**, this is a computer-readable storage medium claim corresponding to the method claim 8. Therefore, claim 9 is analyzed and rejected as previously discussed with respect to claim 8.

Regarding claim **10**, grounds for rejecting claim 8 apply for claim 10 in its entirety.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
March 14, 2009

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621